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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92061407
Party	Plaintiff Advance Marketing Plus Corp.
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**UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**Advance Marketing Plus Corp.**

Petitioner,

v.

Cancellation No. 92061407

**Ellie Ann North, Francisco Gil,  
Vivian Gil Rovelli, and Victoria Weingartner,**  
Respondents

\_\_\_\_\_)

**PETITIONER’S OPPOSITION TO REGISTRANTS’ MOTION  
TO SET ASIDE NOTICE OF DEFAULT**

Petitioner, Advance Marketing Plus, Corp. (“Petitioner”), hereby responds to and formally opposes the Motion to Set Aside Notice of Default (“Motion”) by Registrants, Ellie Ann North, Francisco N. Gil, Vivian Gil Rovelli, Victoria Weingartner (“Registrants”). Petitioner respectfully submits that Registrants’ Motion is without merit and asks the Board to deny the Registrants’ Motion.

**DISCUSSION**

**A. PETITIONER HAS STANDING TO BRING FORTH THEIR CLAIMS  
BEFORE THE BOARD**

Registrants state that Petitioner is without standing to bring forth its Petition for Cancellation. Petitioner respectfully disagrees and asserts that it has and will continue to be damaged by Registrants’ registration. Petitioner has been using the mark in commerce prior to Registrants and has continued to use it. Also, based on information and belief, Registrants have abandoned their mark and Petitioner is desirous of its own registration.

Both of these interests held by Petitioner have been and will continue to be damaged by Registrants' registration. Thus, Petitioner respectfully requests that this Board find that Registrants' assertion that Petitioner is without standing lacks merit and should not be a consideration for setting aside the notice of default issued by the Board.

#### **B. REGISTRANTS' CONDUCT AMOUNTED TO GROSS NEGLECT**

Registrants were timely served with a petition for cancellation on April 22, 2015 and it took Petitioner over ninety (90) days to respond. Registrants did not even attempt to contact Petitioner via email or phone. Registrants are comprised of several people and while one may have been tending to an ill relative, none of the others responded either even though they are not listed as the caregivers of the ill individual.

#### **C. REGISTRANTS' FAILED TO PROVIDE A MERITORIOUS DEFENSE**

While the Board strongly favors deciding cases, in this case Registrants have not provided any answer or motion to accompany its motion to set aside the notice of default. No meritorious defense has been put forth since its position that Petitioner is without standing lacks merit and it has not addressed every allegation in the complaint. Registrants did not address Petitioner's allegation regarding abandonment of the mark.

Thus, Petitioner respectfully requests that the Board deny Registrants' Motion to Set Aside the Notice of Default because 1) Registrants consists of several individuals and while one was the main caretaker of an ill relative there is no reason put forth as to why the others could not respond and 2) Registrant failed to provide an appropriate response or file an appropriate motion since it was not accompanied by a meritorious defense to each of Petitioner's allegations.

Date: August 10, 2015

Respectfully submitted,  
Attorneys for Petitioner:

/s/ Chris Sanchelima

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed electronically by mutual agreement on this 10 day of August 2015 to:

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By: /s/ Chris Sanchelima  
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